

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**DON BLANKENSHIP,  
Plaintiff,**

**Civil Action No.: 2:19-cv-00236  
Judge John T. Copenhaver, Jr.**

**v.**

**HONORABLE ANDREW NAPOLITANO (RET.),  
et al.,  
Defendants.**

**DEFENDANTS ANDREW FEINBERG AND BREAKFAST MEDIA, LLC'S  
MOTION TO DISMISS**

Defendants Andrew Feinberg and Breakfast Media, LLC, by counsel, hereby move this Court to dismiss the Plaintiff Don Blankenship's Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6). The legal arguments and factual background in support of the arguments in this Motion are addressed fully in Defendant Feinberg and Breakfast Media LLC's concurrently filed Memorandum.

Wherefore, Defendants respectfully pray that the Court issue an Order dismissing all claims with prejudice against Defendants Andrew Feinberg and Breakfast Media LLC and award such other relief as it deems proper.

Dated: August 16, 2019

Respectfully Submitted,

Andrew Feinberg and Breakfast Media LLC

By Counsel

/s/ Adriana Marshall

Adriana Marshall, Esq.

W. Va. State Bar I.D. #10710

MARSHALL LAW PLLC

1114 Kanawha Blvd E

Charleston, WV 25301-2403

Phone: (304) 692-9887

Fax: (304) 345-3355

E-Mail: [adrianamarshall@marshalllawpllc.com](mailto:adrianamarshall@marshalllawpllc.com)

William Moran II, Esq.

*(Pro Hac Vice Pending)*

Maryland Attorney #: 1706200121

HAWGOOD MORAN LAW

10015 Old Columbia Rd. Ste. B215

Columbia, MD 21046

Phone: (301) 439-0394

Fax: (410) 290-5285

E-Mail: [moranmedialaw@gmail.com](mailto:moranmedialaw@gmail.com)

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**CERTIFICATE OF SERVICE**

The undersigned counsel for Defendants Breakfast Media, LLC and Andrew Feinberg, hereby certifies that the foregoing “Defendants Andrew Feinberg and Breakfast Media LLC's Motion to Dismiss” was served on all counsel of record through the CM/ECF system.

/s/ Adriana Marshall  
W. Va. State Bar I.D. #10710